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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/506,781 02/18/00 EADES

A 1473-991365

EXAMINER

IM52/0724

HRUSKOCI, F

ART UNIT

PAPER NUMBER

1724

DATE MAILED:

07/24/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/506,781

Applicant(s)

EADES ET AL.

Examiner

Peter A. Hruskoci

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2001 and 21 June 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 6) ☐ Other: _____

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12, 13, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al. in view of Iannicelli. Gardner et al. disclose (see col. 1 line 55 through col. 3 line 34) a system for fluid clarification substantially as claimed. The claims differ from Gardner et al. by reciting that the system includes a buoyant media recovery unit in fluid communication with the flotation chamber and the flocculation chamber. Iannicelli disclose (see col. 2 line 28-55 and col. 7 line 38 through col. 8 line 6) that it is known in the art of liquid purification to utilize an accessory particle or buoyant media recovery unit to aid in reusing the accessory particles. It would have been obvious to one skilled in the art to modify the system of Gardner et al. by including the recited buoyant media recovery unit in view of the teachings of Iannicelli, to aid in reusing the solid buoyant media.

3. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al. in view of Iannicelli as above, and further in view of Kuepper. The claims

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differ from the references as applied above by reciting that the flotation chamber contains lamella plates, tubes, or a specific baffle. Kuepper disclose (see col. 2 line 44 through col. 4 line 55, Fig. 1, and Fig. 3) that it is known in the art to utilize a flotation chamber including lamella plates and baffles. It is submitted that the vertical plates 75 in Fig. 3 of Kuepper appear to form tubes in the flotation chamber. It would have been obvious to one skilled in the art to modify the references as applied above by including the recited lamella plates, tubes, and baffle in view of the teachings of Kuepper, to aid in clarifying the fluid.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al. in view of Iannicelli as above, and further in view of Yeh. The claim differs from the references as applied above by reciting that the flotation chamber contains immersed membranes. Yeh disclose (see col. 3 line 56 through col. 4 line 64) that it is known in the art of water treatment to include immersed screens or membranes in a flotation chamber to minimize turbulence. It would have been obvious to one skilled in the art to modify the references as applied above by including the recited immersed membranes in the flotation chamber in view of the teachings of Yeh, to minimize turbulence in the chamber.

5. Applicants arguments have been carefully considered but are not deemed pertinent to the above rejections.


6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter A. Hruskoci whose telephone number is (703) 308-3839. The examiner can normally be reached on Monday through Friday from 6:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Simmons, can be reached on (703) 308-1972. The fax phone number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.


Peter A. Hruskoci
Primary Examiner
Art Unit 1724

P. Hruskoci
07/21/01